



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 08 2013

Mr. Jeffrey Parsons
West Virginia Department of Environmental Protection
Division of Mining & Reclamation
601 57th Street SE
Charleston, WV 25304

Re: WV NPDES No. WV1017335- Modification No. 10
Patriot Mining Company, Inc.
SMCRA Nos. S200909, S201001, S201004, S201006
EPA Receipt Date – April 8, 2013

Dear Mr. Parsons:

Pursuant to Section 402 of the Clean Water Act, 40 C.F.R. § 123.44, and the *Memorandum of Agreement Regarding the Administration and Enforcement of the National Pollutant Discharge Elimination System (NPDES) in West Virginia (1982) (MOA)*, the U.S. Environmental Protection Agency (EPA) Region III received the above referenced draft permit modification. Based on our review, we offer the following comments to your consideration and action.

The proposed permit modification will eliminate the manganese effluent limits at outfalls 007, 008, 014, 015, 016, 018, 019, 020, 021, 022, 023, and 024, since these outfalls are considered post mining operation. Since these outfalls are considered post mining operation there shall not be any active mining operation at these outfalls. If there is any active mining operation in any of these outfalls the manganese limits must be kept in the permit. We request that you document this issue in the fact sheet.

We notice that this permit does not require sulfates, TDS and specific conductivity monitoring requirements at outfalls 002, 007, 008, 014, 015, 016, 018, 019, 020, 021, 022, and 024. Please revise the permit to include monitoring requirements for these parameters at the listed outfalls identified in this paragraph.

This facility discharges to tributaries of the Monongahela River. As we have discussed, Pennsylvania has listed the Monongahela River on the 303(d) list for sulfates. We request that you revise the rationale document to include a calculation which considers background concentrations and demonstrates that the anticipated discharge from this mine will not prevent Pennsylvania's water quality standard of 250 mg/l from being met at the state line.

Please forward a copy of the final permit when issued. Feel free to contact me at 215/ 814-5717 if you any questions or call Francisco Cruz at 215/814-5734.

Sincerely,

A handwritten signature in cursive script that reads "Evelyn S. MacKnight".

Evelyn S. MacKnight, Chief
NPDES Permits Branch (3WP41)
Water Protection Division

